

AB

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

14

LAW OFFICES OF BRUCE J. CHASAN,  
LLC, et al.

Plaintiff(s),

: CIVIL ACTION

: No. 18-5399

:

v.

:

PIERCE BAINBRIDGE BECK PRICE &  
HECHT, LLP, et al.

Defendant(s).

:

:

FILED

JAN 29 2019

Anita B. Brody, Judge  
By MM Dep. Clerk

**AMENDED NOTICE**

This case has been assigned to Judge Anita B. Brody.

**ANY NONGOVERNMENTAL CORPORATE PARTY MUST FILE FORTHWITH A STATEMENT IDENTIFYING ALL ITS PARENT CORPORATIONS AND LISTING ANY PUBLICLY HELD COMPANY THAT OWNS 10% OR MORE OF THE PARTY'S STOCK. A PARTY MUST SUPPLEMENT THE STATEMENT WITHIN A REASONABLE TIME OF ANY CHANGE IN THE INFORMATION.**

1. A pretrial scheduling conference as described in Fed. R. Civ. P. 16 (a), (b) and (c) and Local R. Civ. P. 16.1 (a) and (b) scheduled for July 23, 2018 at 2:30 p.m. is canceled and will now be held in chambers on **February 19, 2019 at 3:00 p.m.**<sup>1</sup>. Unless otherwise specified, Judge Brody will follow the procedure at the conference as outlined in the federal and local rules.
2. Not later than **three days** prior to the conference, counsel must submit to the Court a joint Proposed Discovery Plan under Rule 26(f). The Proposed Discovery Plan must be filed on ECF. Disagreements concerning the timetable of discovery or other discovery-related matters must be highlighted in bold-face type. For assistance in developing the Proposed Discovery Plan, counsel may follow the example set forth in **Attachment A**.
3. Whenever possible, motions to dismiss, transfer, add parties, and other threshold motions should be filed **before** the conference.
4. Prior to the conference, counsel must evaluate the case for settlement purposes. Plaintiff's counsel must make a demand on opposing counsel no later than five days prior to the conference. Defense counsel must respond to the demand no later than one day prior to the conference. All counsel must arrive at the conference with settlement authority from the client and arrange for

<sup>1</sup> The Rule 16 Conference scheduled for January 31, 2019 at 11:00 a.m. is canceled.

the client to be available by telephone for the duration of the conference.

5. Unless the factual or legal issues are complex, the conference will last approximately thirty minutes. Judge Brody expects trial counsel to attend this conference. If unable to attend, trial counsel must appoint other counsel familiar with the case and with authority to discuss settlement to attend the conference. Trial counsel must notify Judge Brody and opposing counsel of a substitute appearance at the earliest possible date. All counsel participating in the conference must be registered on ECF. Additionally, all participating counsel seeking to be admitted pro hac vice must file a motion and pay the associated fee prior to the conference.

6. At the conference, the following matters will be considered:

- (a) jurisdiction;
- (b) recitation of the facts, claims, and applicable law;
- (c) settlement;
- (d) dates for pretrial matters (see **Attachment A**);
- (e) any other matters that may arise.

7. The parties should be prepared at the conference to argue all outstanding motions.

8. In an uncomplicated case, Judge Brody will set the discovery deadline for between 90 and 120 days after the conference. Discovery must be served, noticed and completed by the discovery deadline. Requests for extension of deadlines must be made by motion or stipulation.

9. All cases that are appealed from court-annexed arbitration will be set for trial as soon as possible.

10. Counsel must submit to chambers **TWO courtesy hard copies** of all papers filed with the Clerk of the Court or filed on ECF. Courtesy copies should include the ECF docket entry number on the first page.

11. Briefs or memoranda of law filed with the Court must not exceed 35 pages unless otherwise authorized by the Court. Shorter briefs and memoranda are recommended.

12. This case has been assigned to Law Clerk Patrick Gavin,  
patrick\_gavin@paed.uscourts.gov.

13. Counsel are reminded that all submissions given directly to Judge Brody in the courtroom or chambers must also be filed by counsel with the Clerk of the Court or on ECF to assure proper docketing.

14. Requests to schedule or reschedule a conference or hearing before Judge Brody may be made by letter, fax, or email to the law clerk assigned to the case, stating the reasons and noting the agreement or disagreement of all counsel. Counsel must also provide the court with five alternative dates that are acceptable to all parties.
15. All other non-urgent requests must be filed as motions. Formal motion formatting is not necessary; a letter filed as a motion and a letter filed as a response are fine.
16. Judge Brody's complete Policies and Procedures can be accessed via the United States District Court for the Eastern District of Pennsylvania's website at [www.paed.uscourts.gov](http://www.paed.uscourts.gov).

Marie O'Donnell  
Marie O'Donnell  
Civil Deputy/Secretary to  
Judge Anita B. Brody

COPIES VIA ECF ON: 1/19/2019

COPIES VIA US MAIL 1/19/19

D. Hecht, Esq.  
P. Bradford Esq.

**Attachment A - Proposed Discovery Plan Under Rule 26(f)**

**I. Rule 26(a) Disclosures**

Counsel anticipate completing the self-executing disclosures on \_\_\_\_\_, as required by Rule 26(a).

**II. Discovery Subjects**

(A) Counsel agree that unless otherwise stipulated by the parties or ordered by the court, discovery must proceed in accordance with the Federal Rules of Civil Procedure. This includes the amendments to the Federal Rules regarding electronic discovery effective December 1, 2006. If the parties agree to modifications to this default position, please list:

(B) Counsel agree that the subjects for discovery include:

(C) Counsel anticipate that the following depositions will be necessary (identify parties if known at this point):

### **III. Pretrial Timetable**

(A) The Court will enter the default scheduling order, a copy of which is attached as **Attachment B**, unless the parties request an alternate discovery schedule. The parties request a close of discovery date of

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(B) Counsel may set forth below an alternative proposed scheduling order if agreed to by all parties. Counsel should use dates certain rather than contingent dates; if a date is difficult to specify, counsel should estimate it to the best of their ability.

### **IV. Alternative Dispute Resolution**

(A) Type of ADR, settlement conference etc.

(B) Timing of ADR

(C) Unless otherwise recommended, a settlement conference will be scheduled.

### **V. Other Pretrial Issues**

(e.g. protective orders, etc.)

Signed:

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Counsel for Plaintiff

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Counsel for Defendant

**Attachment B - Default Scheduling Order**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, it is **ORDERED** as follows:

1. Pretrial timetable:

- All discovery must be completed on or before: \_\_\_\_\_.
- Plaintiff's expert reports due on or before: [4 weeks before close of discovery ("COD")].
- Defendant's expert reports due on or before: [2 weeks before COD].
- Depositions of experts must be completed on or before: [COD].
- Dispositive motions due on or before: [2 weeks after COD].
- After all dispositive motions have been decided or when no dispositive motions have been filed and the time for filing dispositive motions has elapsed, the parties will be given notice of a trial date, a Final Pretrial Conference, and deadlines for pretrial filings.

2. Unless the parties agree to another form of alternative dispute resolution, United States Magistrate Judge David R. Strawbridge will contact the parties regarding the scheduling of a settlement conference. Judge Strawbridge requires that lead counsel and parties with full settlement authority attend the conference.

3. All summary judgment motions and responses must contain a statement of undisputed and disputed facts with citations to the record, including to the specific exhibit, page, and line number. A party is granted 21 days to file a response in opposition to a motion for summary judgment and 10 days to file any reply or surreply. Motions for leave to file a reply and surreply are not necessary for a Rule 56 motion because replies and surreplies are automatically allowed.

4. **REMINDER:** Counsel must submit to chambers TWO courtesy hard copies of all papers filed with the Clerk of Court or filed on ECF. Courtesy copies should include the ECF docket entry number on the first page. All exhibits should be separated by tabbed dividers.

5. Your case has been assigned to Law Clerk \_\_\_\_\_.

6. Judge Brody's Policies and Procedures can be accessed via the United States District Court for the Eastern District of Pennsylvania's website at [www.paed.uscourts.gov](http://www.paed.uscourts.gov).

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ANITA B. BRODY, J.

**BRUCE J. CHASAN, ESQ.**  
LAW OFFICES OF BRUCE J. CHASAN, LLC

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TWO PENN CENTER, SUITE 312  
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ADMITTED IN PA, MA, VA, DC AND  
UNITED STATES PATENT AND TRADEMARK OFFICE

January 25, 2019

Hon. Anita B. Brody, U.S.D.J.  
U.S. Courthouse  
601 Market Street – 7th Floor  
Philadelphia, PA 19106

Attention: Patrick Gavin, Esq., Law Clerk ([patrick\\_gavin@paed.uscourts.gov](mailto:patrick_gavin@paed.uscourts.gov))

Dear Judge Brody (via assigned Law Clerk Patrick Gavin):

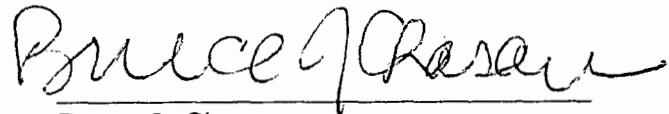
**Re: Law Offices of Bruce J. Chasan, Esq. et al. v. Pierce Bainbridge Beck  
Price & Hecht, LLP, et al., No. 18-5399 (E.D. Pa.)**

The parties are in receipt of the Court's scheduling Order (ECF 8) issued yesterday, which set a Rule 16 conference to be held on January 31, 2019, at 11 AM in Chambers. The parties have conferred and make the following requests:

1. Because Defendants filed their Motion to Dismiss on Jan. 22, 2019 (ECF 4), and Plaintiff's Response is not due before Jan. 31, 2019, I am requesting an adjournment of the Rule 16 conference for several weeks, as it is believed such conference will be more efficient and productive if it is held after Plaintiff's Response to the Motion to Dismiss is filed. Defendants do not oppose this request.
2. Because of other pending matters on my personal docket, I am requesting a short, 7-day extension of time to file Plaintiff's Response to the Motion to Dismiss. Defendants do not oppose this request (so it is stipulated). That would extend the deadline for the filing of Plaintiff's Response to February 12, 2019.
3. The parties propose re-scheduling the Rule 16 conference to any of the following dates: February 13, 14, 19, 20 or 21.

If it is necessary to schedule a conference call to discuss these requests further, counsel will make themselves available. Thank you.

Respectfully submitted,



Bruce J. Chasan  
Attorney for Plaintiffs

cc: Timothy O'Driscoll, Esq. (all via email)  
Jessica E. Loesing, Esq.  
Craig Bolton, Esq.  
Patrick Bradford, Esq.  
David L. Hecht, Esq.